

ORDINANCE NO. 28513

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE SOUTHEAST CORNER OF MORRILL AVENUE AND LANDESS AVENUE (2148 MORRILL AVENUE, 3102 LANDESS AVENUE) TO CP COMMERCIAL PEDESTRIAN ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, a Negative Declaration (ND) was prepared for a rezoning project under File No. C07-084, and said ND is adopted as of October 31, 2008, which adoption has not been challenged, protested or appealed; and

WHEREAS, the City Council of the City of San Jose is the decision-making body for the proposed subject rezoning to CP Commercial Pedestrian Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves said ND prior to approval of this project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as CP - Commercial Pedestrian.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit A attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. C07-084 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City

Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 17th day of March, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, HERRERA, LICCARDO, NGUYEN, PYLE,
REED.

NOES: NONE.

ABSENT: CHU, CONSTANT, KALRA, OLIVERIO.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk